
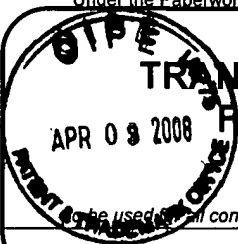


1FW

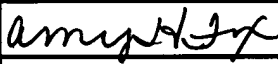
PTO/SB/21 (01-08)  
Approved for use through 03/31/2008. OMB 0651-0031

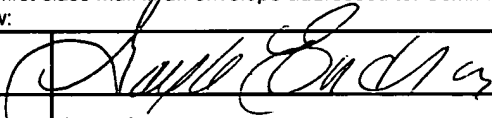


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                        |                   |
|---|------------------------|-------------------|
|  <p><b>TRANSMITTAL FORM</b></p> <p><small>to be used for all correspondence after initial filing</small></p> | Application Number     | 10/005,921        |
|   | Filing Date            | December 28, 2007 |
|   | First Named Inventor   | Ammendola et al.  |
|   | Art Unit               | Not Yet Assigned  |
|   | Examiner Name          | Not Yet Assigned  |
| Total Number of Pages in This Submission  | Attorney Docket Number | Q009 1011.6       |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Copy of Notice to File Corrected Application Papers; Substitute Specification; Marked up copy of Substitute Specification; and Acknowledgment Postcard |
| <div style="border: 1px solid black; display: inline-block; width: 100px; height: 15px; margin-bottom: 5px;"></div> <b>Remarks</b><br>Please charge any fees deemed due to our Deposit Account No. 09-0528  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | Womble Carlyle Sandridge & Rice PLLC  |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Amy H. Fix  |          |        |
| Date                                       | March 31, 2008  | Reg. No. | 42,616 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |                |
|---|---|------|----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |      |                |
| Signature   |  |      |                |
| Typed or printed name   | Gayle Endres  | Date | March 31, 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Aldo Ammendola et al.

SERIAL NO.: 12/005,921

FILED: December 28, 2007

TITLE: Modulation of Pathogenicity



) ART UNIT: To Be Assigned  
)  
) EXAMINER: To Be Assigned  
)  
) DOCKET NO.: Q009 1011.6  
)  
)  
)  
)

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

**Filing Date Granted**

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Notice to File Corrected Application Papers – Filing Date Granted dated January 31, 2008 (copy enclosed), Applicant submits the following:

- (1) Substitute Specification; and
- (2) Marked up copy of the Specification.



### REMARKS

#### Specification

As per the requirements of the Notice to File Corrected Application Papers dated January 31, 2008, Applicant submits contemporaneously herewith a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125.. The substitute specification contains no new matter as required by 37 CFR 1.125(b). Applicant also submits contemporaneously herewith a marked-up copy of the substitute specification as required under 37 CFR 1.125(c). That is, the marked-up copy of the substitute specification shows all changes made relative to the immediate prior version of the specification of record. Accordingly, the present version reflects amendments made by the preliminary amendment filed contemporaneously with the application on December 28, 2007, in compliance with 37 CFR 1.115 and 1.215).

**CONCLUSION**

Applicant does not believe any fee is required with this response. However, the Commissioner is authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 09-0528 (Atty Docket No.: Q009 1011.6).

Applicant believes that with the submission of the enclosed documents and authorization to charge said funds, the application is now in order to proceed to examination.

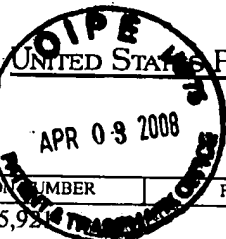
Respectfully submitted,



Amy H. Fix  
Reg. No. 42,616  
Attorney for Applicant

Date: 3/31/08  
Attorney Docket: Q009 1011.6

Womble Carlyle Sandridge & Rice, PLLC  
Post Office Box 7037  
Atlanta, Georgia 30357-0037  
Telephone: (919) 484-2314  
Facsimile: (919) 484-2340  
Customer No.: 26158



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/005,924         | 12/28/2007            | Aldo Ammendola        | Q009 1011.6            |

CONFIRMATION NO. 5845

## FORMALITIES LETTER



26158  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: PATENT DOCKETING 32ND FLOOR  
P.O. BOX 7037  
ATLANTA, GA 30357-0037

Date Mailed: 01/31/2008

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The application contains drawings, but the specification does not contain a brief description of the several views of the drawings as required by 37 CFR 1.74 and 37 CFR 1.77(b)(7).
  - The application papers (including any electronically submitted papers) are not in compliance with 37 CFR 1.52 because pages ALL contain text that is written in unacceptable font or font size. The text must be written in nonscript type font (e.g., Arial, Times Roman, Courier, preferably a font size of 12) lettering style having capital letters that should be at least 0.3175 cm. (0.125 inch) high. A font with capital letters smaller than 0.3175 cm. (0.125 inch) high is only acceptable if the writing is clear and legible.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

RECEIVED  
FEB 04 2008  
DOCKETED  
WOMBLE, CARLYLE,  
SANDRIDGE & RICE PLLC

Replies should be mailed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/thailc/

---

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199